

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

OJORE MULUMBA AJAMU VII,

Plaintiff,

V.

DOUGLAS COUNTY, NEBRASKA,

Defendant.

CASE NO. 8:05CV319

MEMORANDUM AND ORDER

Effective September 24, 2007, the Douglas County Attorney's Office assigned new counsel to represent the defendant. The defendant County now moves for a 45-day extension of the progression schedule in this case so that new counsel may familiarize herself with the issues and appropriately handle discovery matters, dispositive motions, and the pretrial conference. Filing No. 73.

This case has been pending since June 30, 2005. The defendant County was served on February 2, 2006, and filed its answer on March 24, 2006. Filing Nos. 24 & 30. Three attorneys have represented the County during the pendency of this case. The plaintiff has filed numerous motions in this case; the County has never filed a response.

Based on a review of the record, other than its answer and notice of withdrawal of counsel, the County filed nothing in this case in 2006. New counsel for the County entered an appearance on February 22, 2007. Filing No. 57. Nothing was filed by the County thereafter until August 20, 2007, when the County filed a certificate indicating that on that date, it served what were apparently its first and only discovery requests on the plaintiff. Filing No. 71.

The new and current counsel of record entered an appearance on September 28, 2007. Filing No. 72. The County filed a motion to compel the plaintiff's discovery responses on October 1, 2007. Filing No. 74.

Based on this record, the court is not persuaded that the County's most recent counsel knows any less about this case than those who have previously withdrawn. That is, the court is not convinced that the County's case preparation needs, and accordingly the time required to prepare, increased when new counsel entered an appearance.

Under the current progression schedule, the deadline for filing dispositive motions does not expire until November 1, 2007, and the pretrial conference will not be held until January 10, 2008. Moreover, by the time this case is actually tried, nearly three years will have passed. There is nothing of record justifying a further continuance the trial proceedings.

IT IS ORDERED: The motion to continue filed by the defendant, (Filing No. 73), is denied.

DATED this 11th day of October, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge